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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,011	02/25/2004	Sofia Hermansson	018798-216	9721

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EXAMINER

BUI, LUAN KIM

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/785,011	Applicant(s) HERMANSSON ET AL.	
	Examiner Luan K. Bui	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/25/04 & 8/4/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 and 15-17 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cottingham et al. (2002/0084203; hereinafter Cottingham'203). Cottingham'203 discloses a packing wrapper (60, 62) defined a pocket (64) for holding an absorbent article (20) comprising an opening flap (70) and the opening flap having a free edge (74). Cottingham'203 further discloses the packing wrapper may include a visual indicator (110) for distinguishing the edge of the flap. It appears that the visual indicator having a longitudinal extent essentially parallel to the free edge of the opening flap. Cottingham'203 also discloses the opening flap and/or the pocket may be desirable to include a tactile indicator such as a textured portion i.e. knurling for distinguishing the edge (74) of the flap from the pocket to improve tactile identification of the edge of the flap which is considered equivalent to means for tactile detection as claimed (page 4, paragraph 0048 and Figure 2). Since the visual indicator disposed parallel to the free edge of the opening flap then the means for tactile detection would be disposed parallel to the free edge of the opening flap. To the extent that Cottingham'203 fails to disclose the means for tactile detection being disposed parallel to the free edge of the opening flap, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to construct the means for tactile detection of Cottingham'203 parallel to the free edge of the opening flap to provide more convenient for the user.

As to claims 2 and 3, Cottingham'203 discloses the visual/tactile indicator (110) disposed on one surface area close to the opening flap.

As to claim 4, Cottingham'203 discloses the visual/tactile indicator (110) disposed to a continuous, oblong surface area arranged parallel to and close to the free edge of the opening flap.

As to claim 5, Cottingham'203 discloses the visual/tactile indicator (110) may be applied to the opening flap and/or the pocket (paragraph 0048) which is considered equivalent to at least two discrete surface areas.

As to claim 6, Cottingham'203 discloses the means for tactile detection comprises a textured portion such as knurling which is considered equivalent to at least one embossed surface area.

As to claims 7 and 8, Cottingham'203 further discloses the means for tactile detection consists of at least one extra material piece (140) (Figure 8) and the extra material piece has either higher or lower friction than the packing wrapper.

As to claims 9-12, the selection of the specific extra material such as the material as claimed would have been an obvious matter of design choice of art recognized equivalent materials inasmuch as a number of different ones appear to be suitable and inasmuch as applicant's specification does not state that using these specific materials as claimed solves any particular problem or yields any unexpected results.

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As to claims 15 and 16, Cottingham'203 discloses the means for tactile detection (110) extended over the entire length of the free edge of the opening flap.

3. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the reference as applied to claim 1 above, and further in view of Berg, Jr. et al. (5,484,636; hereinafter Berg'636). Cottingham'203 fails to show the means for tactile detection comprises at least double folded at the free edge of the opening flap. Berg'636 shows a packing wrapper comprising a opening flap (34) having a double folded (56) at the free edge of the opening flap (Figures 4-5). It would have been obvious to one having ordinary skill in the art in view of Berg'636 to modify the means for tactile detection of Cottingham'203 so it comprises at least double folded at the free edge of the opening flap to facilitate grasping the opening flap.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Errica Miller at (571) 272-4370.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (571) 273-8300 for Formal papers and After Final communications.



lkb
October 28, 2005

Luan K. Bui
Primary Examiner